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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,454	07/13/2004	Robert M. Schmidt	04923 (LC 0159 PUS)	4453

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EXAMINER
GLUCHOWSKI, KRISTINA R

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
06/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/710,454	SCHMIDT ET AL.	
	Examiner	Art Unit	
	Kristina R. Gluchowski	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,8-13,16,17 and 21* is/are pending in the application.

4a) Of the above claim(s) *4,8,12 and 16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-3,9-11,13,17 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to the amendment filed 3/29/07. Claims 1-3, 9-11, 13, 17 and 21 are examined below. Claims 4, 8, 12 and 16 are withdrawn. Claims 6-7, 14-15 and 18-20 are cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

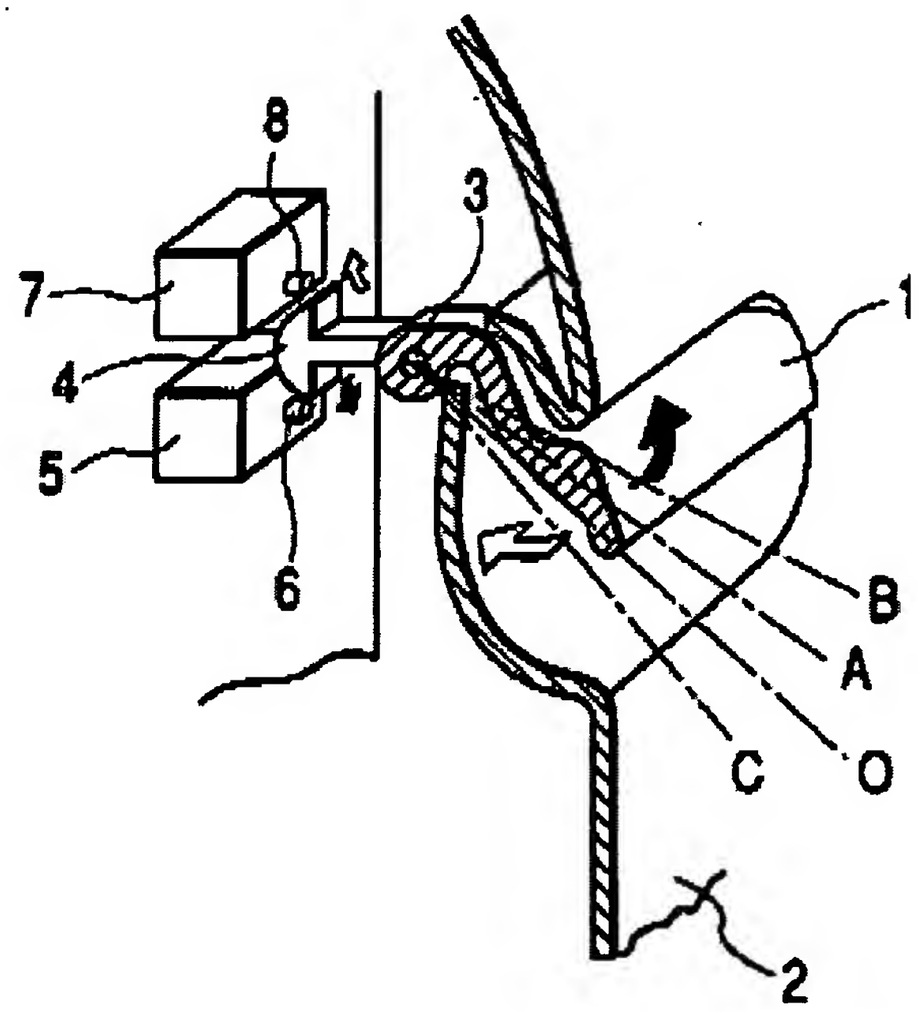
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

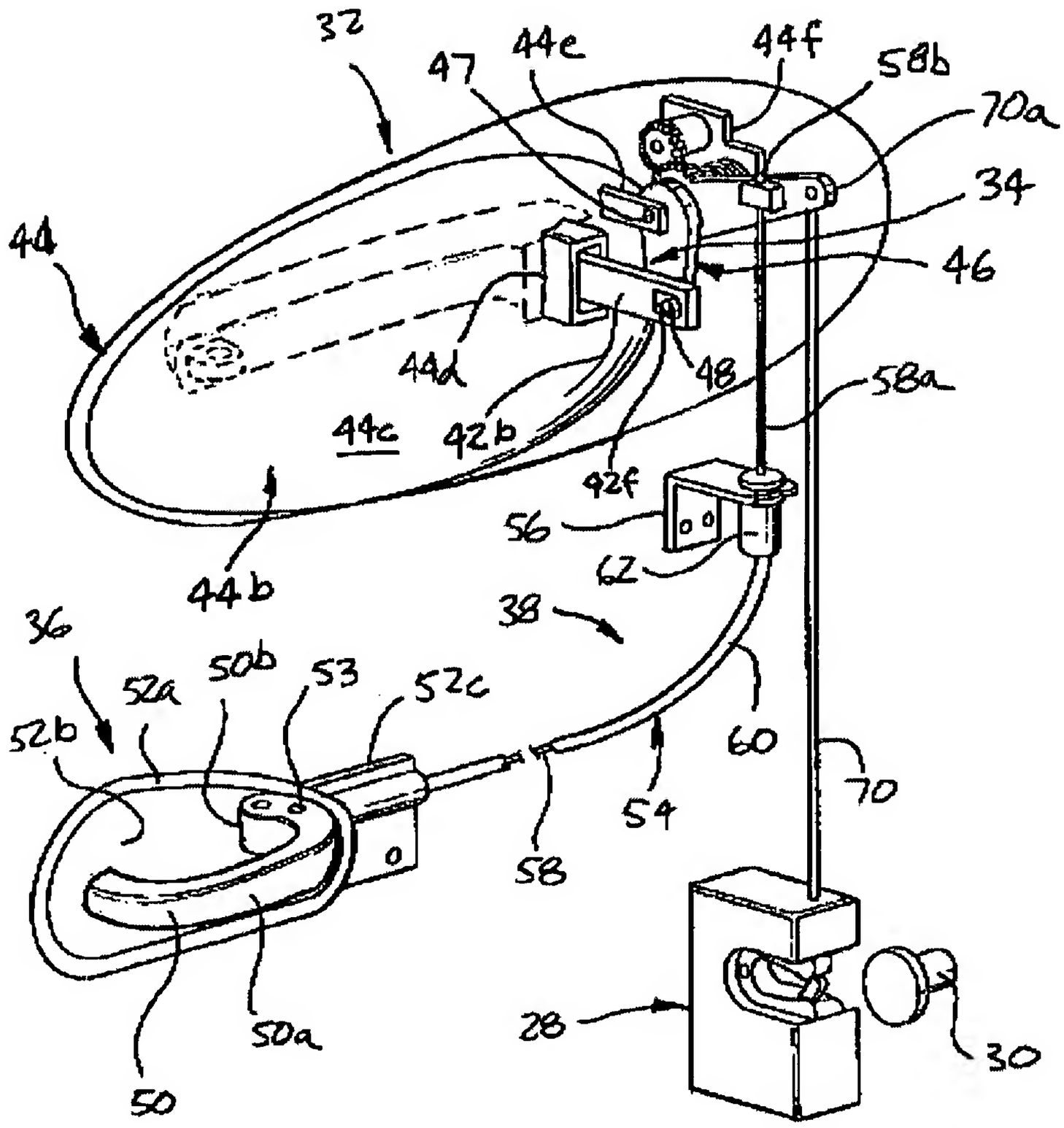
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takata (US 2004/0183655) in view of Meinke (US 6264257).

5. Regarding claim 1, Takata teaches a mechanical handle switch assembly integrated within a door of a vehicle and utilized for actuating a vehicle based system, comprising a door handle mechanism (1) coupled to a the door for actuation by a user, being movable in a substantially outboard direction for both actuating the vehicle based system and unlatching the door, a drive train mechanism (4) coupled to said door handle mechanism and being actuated by said door handle mechanism; a switch device (5) operatively coupled to said drive train mechanism and being selectively operated by said drive train mechanism to actuate said vehicle-based system. See the Takata device below.



Takata fails to show a drive train mechanism including a first and second gear member, a cam mechanism or a damping mechanism. Meinke shows a gear damping mechanism is well known in the automotive door handle art. Meinke shows a first gear (78) extending from the door handle mechanism, a second gear member (64) operatively coupled to the first gear member and a cam mechanism (46) integrated with the second gear when combined with the Takata device, would directly contact the switch device of Takata. Meinke also shows a damping mechanism (68) coupled to the door handle mechanism. It would have been obvious to one of ordinary skill in the art to replace the drive train mechanism of Takata with the gear damping mechanism of Meinke in order to "produce a soft, cushioned return of the door handle…" (Meinke, column 1, lines 54-55). See the Meinke device below.



6. Regarding claims 2-3 and 5, Takata shows the door handle mechanism has a lift configuration and is movable within a predetermined travel distance (O-A-B) including a switch-triggering distance (O-A) and an unlatching distance (A-B) that is greater than and inclusive of said switch-triggering distance (see Fig. 1B), said door handle

mechanism actuating said drive train mechanism and closing said switch device when said door handle is moved a substantially small portion of said predetermined travel distance.

7. Regarding claim 9, Takata teaches a mechanical door handle switch assembly wherein said switch device is biased to an open position (i.e. the drive mechanism pushes the switch).

8. Claims 10-11, 13, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takata and Meinke as applied to claim 1 above further in view of Geil et al (US 6181024). Regarding claim 10, Takata and Meinke teach a passively actuated vehicle system comprising a mechanical handle assembly as applied to claim 1 above, Takata further teaches a controller (i.e. vehicle mounted unit, paragraph [0026]), a portable transponder (i.e. the portable unit, paragraph [0026]) carried by a user and utilized for communicating with said vehicle based transponder, a locking mechanism (i.e. door locking mechanism, paragraph [0026]) coupled to said controller for actuation by said controller, said switch device coupled to one of said controller and said vehicle-based transceiver, and in use actuating said vehicle-based transceiver to transmit a challenge signal to said portable transponder; said locking mechanism unlocking said door after said controller determines that said user is an authorized entity. Takata and Meinke fail to teach a vehicle-based transceiver coupled to said controller, Geil shows that it is known in the mechanical door handle switch assembly art to construct a device for unlocking a door including a switch (2) coupled to one of a controller (4) and a vehicle-based transceiver (3), and the switch device for actuating said vehicle-based

transceiver to transmit a challenge signal to said portable transponder. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Takata's assembly as taught by Geil, since Geil states in column 1, lines 60-65 that retrofitting a locking system with a transmitter and transponder is simple and advantageous.

9. Regarding claim 11, Takata shows a switch triggering distance "substantially" less than the unlatching distance (see paragraph 8 above).

10. Regarding claim 13, Takata teaches a door handle mechanism having a lift configuration for unlatching the door as applied to claim 5 above.

11. Regarding claim 17, Takata shows a switch device biased to an open position as applied to claim 9 above.

12. Regarding claim 21, Takata shows a passively actuated vehicle system wherein the passively actuated vehicle system is a passive entry system for a vehicle.

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG
June 5, 2007

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER